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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Charles Patton

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EXAMINER

MEUCCL, MICHAEL D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/022,805	Applicant(s) PATTON ET AL.	
	Examiner MICHAEL D. MEUCCI	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22,24-35 and 37-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22,24-35 and 37-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the request for reconsideration filed 28 February 2008.
2. Claims 22, 24-35, and 37-47 remain pending. Claims 1-21, 23, and 36 are cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 24-35, and 37-47 rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany (U.S. 5,960,344) in view of Keane et al. (U.S. 7,085,854 B2) hereinafter referred to as Keane and Brownrigg et al. (U.S. 2004/0062224 A1) hereinafter referred to as Brownrigg.

a. As per claims 22 and 35, Mahany teaches: a method for managing communications over a plurality of networked devices, the method comprising: exchanging a first communication between a first networked device and a second networked device over a point-to-point medium (lines 51-67 of column 1 , line 62 of column 2 through line 12 of column 3, and lines 44-53 of column 5); and configuring, via said first communication, a use of a second type of communication medium, different from said first type of communication medium by at least said second network device

(lines 35-52 of column 8 wherein the wired transceiver controls access to and configures the Ch. 1 and Ch. 2 radios of the wireless access point, and lines 22-40 of column 9 wherein incoming messages received via the wired transceiver control the radios of the wireless access point); the second type of communication medium being a shared medium, wherein said configuring enables said second networked device to communicate with a third networked device over said shared medium (lines 35-47 of column 2, line 64 of column 11 through line 22 of column 12, and Fig. 9).

Mahany does not explicitly teach: the first communication being a directed, one to one communication; the one to one communication being over a secure communication channel established between said first networked device and said second networked device; and the broadcast messages being capable of being heard by other networked devices within range of said second networked device and said third networked device.

However, Keane discloses: “provide configuration information for the network and/or for each gateway; exchange control information with the first gateway 450 and the second gateway 451 on the first tunnel 425 and the second tunnel 426, respectively; negotiate an encryption algorithm with each gateway; and negotiate an authentication technique (lines 4-9 of column 20). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have the first communication directed and one to one. “For example, to enable the third tunnel (step 540), the control system 175 may perform one or more of the following: update the partner lists of the first gateway 450 and the second gateway 451 to reflect mutual consent; provide an

indication that a tunnel between the first and second gateways 450, 451 is authorized; provide real IP addresses for each of the gateways to permit a connection through a base network, such as the Internet; provide the virtual IP address of each gateway to the other gateway to enable a tunnel between the gateways; facilitate the establishment of one or more tunnels by providing out-of-band signaling to the first gateway 450 and the second gateway 451 through the first tunnel 425 and the second tunnel 426, respectively; determine one or more partner lists for one or more gateways 450, 451,” (line 57 of column 19 through line 4 of column 20 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the first communication directed and one to one in the system as taught by Mahany.

Secure transmission between two networks is extremely well known in the art at the time of the applicant's invention. Keane teaches secure transmission across data networks: "Further, the tunnel interface module 612 may use a firewall 617 and/or other security devices to limit access to the switch 680 and communication channel 681. The two-tier structure with the tunnel interface module 612 connected through security devices, such as firewalls to the controller module 614 may provide enhanced security at the network operations center 610,” (lines 40-46 of column 23). It would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention to have the one to one communication over a secure communication channel established between said first networked device and said second networked device. “To enhance security, the tunnel interface module 612 may communicate with the other subsystems

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of the network operations center 610 in a limited manner. For example, the tunnel interface module 612 may provide a single control and monitoring port for exchanging messages with the controller module 614 and for exchanging secured sockets layer (SSL) messages with the administrative server 615," (lines 33-39 of column 23 in Keane). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the one to one communication over a secure communication channel established between said first networked device and said second networked device in the system as taught by Mahany.

Brownrigg discloses: "if a great deal of network traffic is going through a particular node, it may be desirable to place a "passive repeater" at that node. A passive repeater is not a client, per se, but, rather, is a transceiver that receives and rebroadcasts packets," (paragraph [0094] on page 7). The passive repeater of Brownrigg is the "second networked device" of the applicant's invention. Successive passive repeaters of this type would allow the system of Mahany, combined with the teachings of Keane to broadcast messages in a manner that allows said messages to be heard by other networked devices within range of said second and third networked devices. It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to have the broadcast messages being capable of being heard by other networked devices within range of said second networked device and said third networked device. "The passive repeater therefore effectively extends the range of the transmitting clients, and reduces data bottlenecks in the system. A passive repeater is also useful for clients with long links to a server in that it can shorten the link by

effectively allowing the clients to skip some intermediate links. The prototyping of the system is also useful in that it shows that placing servers near the center of the network reduces the average link length (i.e. reduces the average number of client hops) in the network,” (paragraph [0094] on page 7 of Brownrigg). It is for this reason that one of ordinary skill in the art at the time of the applicant’s invention would have been motivated to have the broadcast messages being capable of being heard by other networked devices within range of said second networked device and said third networked device in the system as taught by Mahany.

b. As per claims 24 and 37, Mahany teaches: exchanging a second communication between said first networked device and said third networked device over said shared medium (lines 31-49 of column 12 and Fig. 9).

c. As per claims 25 and 38, Mahany teaches: said second networked device initiates said first communication (lines 51-67 of column 1).

d. As per claims 26, 27, 39, and 40 Mahany teaches: wherein at least one of: said first networked device and said second networked device is a personal computing device, and wherein said personal computing device is at least one of: a personal digital assistant, a tablet computer, a laptop computer, a mobile phone, a handheld gaming device and a picoradio (lines 6-18 of column 18 and Figs. 1-15).

e. As per claims 28, 29, 41, and 42 Mahany teaches: wherein said first networked device is a network resource and wherein said network resource is at least one of: a printer, a projection display, a robot, a scanner, a facsimile machine, and a data collection device (line 64 of column 11 through line 49 of column 12 and Fig. 9).

f. As per claims 30 and 43, Mahany teaches: wherein said first networked device is part of a wired communications network (lines 35-37 of column 1, lines 31-33 of column 2, lines 44-47 of column 8, and Figs. 1-15).

g. As per claims 31 and 44, Mahany teaches: wherein said second networked device is part of a wireless communication network (lines 35-38 of column 8, line 60 of column 8 through line 30 of column 9, and Figs. 1-15).

h. As per claims 32 and 45, Mahany teaches: wherein said point-to-point medium is at least one of: an infrared communications network and a radio frequency communications network (lines 30-32 of column 1, lines 10-29 of column 2, and Figs. 1-15).

i. As per claims 33 and 46, Mahany teaches: wherein said first communication grants at least one of said first networked devices and said second networked device a capability to perform a specified action in accordance with said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

j. As per claims 34 and 47, Mahany teaches: wherein said configuring comprises: providing data to said second networked device to enable said second networked device to connect to said shared medium (line 65 of column 4 through line 3 of column 5 and lines 44-47 of column 8).

Response to Arguments

5. Applicant's arguments filed 28 February 2008 have been fully considered but they are not persuasive.

6. (A) Regarding claims 22 and 35, the applicant contends that Mahany, Keane, and Brownrigg do not teach the use of a first type of communication medium to configure the user of a second different type of communication medium. The examiner respectfully disagrees.

As to point (A), the applicant argues that each of the references teach a single type of communication medium, for instance, Mahany teaches the use of radio frequency (RF) transmission for all communications to the wireless access point. The examiner points out that Mahany, not Keane or Brownrigg, was relied upon for teaching this limitation. Mahany teaches the wired transceiver allowing the access point to access a LAN backbone to which other components may connect: "FIG. 6 is block diagram illustrating an embodiment of an access point 600 built in accordance with the present invention capable of communicating with wireless devices in its cell on both a first channel and a second channel. The access point 600 thus includes a first radio 616 operating on a first channel and a second radio 608 operating on a second channel. The access point also includes a processing unit 612 and additional circuitry 614, both of which couple to the first radio 616, the second radio 608 and a wired Ethernet transceiver through a bus interface 610. The wired transceiver 606 allows the access point 600 to access a wired LAN backbone 622 to which various other system

components may connect. The wired LAN backbone may include, for example, an ethernet network, a token-ring network or an asynchronous transfer mode (ATM) network among other network types. In any such case, the wired transceiver 606 facilitates communication between the access point 600 and devices coupled to the wired LAN backbone 622," (lines 35-52 of column 8). It is clear from this recitation that the wired transceiver is the 'first communication medium' while the RF radios are the 'second communication medium' and that the wireless configuration information comes through the 'point-to-point' wired medium. Additionally, Fig. 8 provides a telephone jack (740) as the wired medium and an antenna (741) as the shared wireless medium. As such, the rejection remains proper and is maintained by the examiner.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142